

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 SUSAN CLOSSON, *et al.*,

11 Plaintiffs,

12 v.

13 RECONTRUST COMPANY, *et al.*,

14 Defendants.
15

Case No. 2:11-CV-146-KJD-LRL

ORDER

16 Presently before the Court is Plaintiffs' Amended Complaint (#33) filed October 7, 2011.
17 Plaintiffs' initial complaint was filed on January 27, 2011. All parties were served no later than May
18 24, 2011. Defendants Bank of America, N.A., Mortgage Electronic Registration Systems, Angela
19 Nava, and Recontrust Company filed a motion to dismiss on June 15, 2011 which was fully briefed
20 by August 25, 2011. Defendant Real Time Resolutions filed a motion to dismiss on June 16, 2011
21 which has not been opposed by Plaintiffs.

22 Federal Rule of Civil Procedure 15 (a) allows a party to amend its pleading once as a matter
23 of course, if the amendment is done within twenty-one (21) days of the initial pleading being served
24 or twenty-one 21 days within service of a Rule 12(b) motion. Therefore, to amend its pleadings as a
25 matter of course, Plaintiffs were required to file their amended complaint before June 14, 2011, or
26

1 between the date that Defendants filed their 12(b) motions, June 15-16, 2011 and the end of the
2 twenty-one (21) day period following which is July 7, 2011.

3 In order to file an amended complaint after July 7, 2011, Plaintiffs must have had a
4 stipulation from Defendants agreeing to the amendment, or leave of the court. See Fed. R. Civ. P.
5 15(a)(2). Plaintiffs had neither when they filed their amended complaint. Therefore, the Court
6 orders that the amended complaint be struck. If Plaintiffs wish to file an amended complaint, they
7 must seek leave of the Court by filing a motion to amend the complaint. That motion must attach the
8 proposed amended complaint and also argue to the court if the amendments cure any deficiencies
9 asserted by Defendants in their motions to dismiss.

10 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court **STRIKE** Plaintiff's
11 Amended Complaint (#33).

12 DATED this 14th day of October 2011.

13
14 

15 _____
16 Kent J. Dawson
17 United States District Judge
18
19
20
21
22
23
24
25
26